

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

EVA RIOS,

Plaintiff,

v.

CAMDEN COUNTY JAIL,

Defendant.

Civil Action
No. 16-8304 (JBS-AMD)

MEMORANDUM OPINION

SIMANDLE, District Judge

Plaintiff Eva Rios, an individual currently residing in a halfway house, seeks to bring this civil action in forma pauperis ("IFP"), without prepayment of fees or security. IFP Application, Docket Entry 4.

According to the application submitted by Plaintiff, Plaintiff earns \$1,341 per month. *Id.* She also indicates that she has a savings account with a balance of \$1,500. Further, plaintiff's account statement shows that as of May 31, 2017, Plaintiff had a resident savings account balance of \$2,517.28. IFP Application at 6.

IFP status is a privilege, not a right. *Shahin v. Sec. of Del.*, 532 F. App'x 123 (3d Cir. 2013) (per curiam) (citing *White v. Colo.*, 157 F.3d 1226, 1233 (10th Cir. 1998)). "In determining whether a litigant is eligible for IFP status, the Court should consider the financial position of the party." *Id.* (affirming denial of IFP in spite of monthly income of only \$95 from self-

employment as plaintiff would not be deprived of "necessities of life").

Here, Plaintiff's income as reflected by the account statement, as well as by her savings account and monthly salary, indicates she is able to afford the \$350 filing fee and \$50 administrative fee. Requiring her to pay the filing fee would not deprive her of the necessities of life. The Court will therefore deny the application to proceed *in forma pauperis*.

An appropriate order follows.

September 27, 2017

Date

s/ Jerome B. Simandle

JEROME B. SIMANDLE

U.S. District Judge